

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the Examiner's rejection of the above-identified application is respectfully requested in view of the foregoing amendments and following remarks.

The Examiner has objected to the language and format of the abstract of the disclosure. A substitute abstract which Applicants believe has proper content and format is attached hereto as Exhibit A. The Examiner has further objected to the specification as not including section headings and for referencing claim numbers. The specification has been amended to add appropriate section headings and to delete references to claim numbers.


Claim 1 has been rejected under 35 U.S.C. § 102(b) as anticipated by EP 0 885 711 A1 to *Feuerherm* and under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,024,557 to *Feuerherm*. ("the '557 patent"). Claims 1, 6, 9, 10 and 19 have been rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,354,828 to *Feuerherm et al.* ("the '828 patent").

The rejections are respectfully traversed.

Claim 1 has been canceled without prejudice. Claims 2-5, 7,8, 11-18 and 20-26 have been withdrawn. Claims 6, 9, 10 and 19 have been amended.

As stated in the accompanying Declaration under 37 C.F.R. Rule 1.132, Applicant Harald Feuerherm is the sole inventor of pending claims 1, 6, 9, 10 and 19 and conceived or invented the subject matter disclosed but not claimed in the '828 and '557 patents and relied on by the Examiner in rejecting those claims. Accordingly, the subject matter from the '828 patent relied on by the Examiner is not an invention "by another" within the meaning of § 102(e). Applicants believe this showing overcomes the rejections of claims 6, 9, 10 and 19 based on the '828 patent. Accordingly, the Applicants respectfully request early allowance of the remaining claims 6, 9, 10 and 19.

Respectfully submitted,
HARALD FEUERHERM ET AL. - 2


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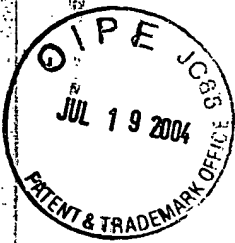
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Enclosures: Attachment A (replacement abstract)
Rule 132 Declaration
Petition under Rule 136(a) and 17(a) (in duplicate)

Mail Date: July 16, 2004

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop: AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 16, 2004.


Maria Guastella



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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: HARALD FEUERHERM ET AL. -2
SERIAL NO.: 09/611,764 EXAMINER: J. DEL SOLE
FILED: JULY 7, 2000 GROUP: 1722
TITLE: EXTRUDER HEAD

DECLARATION UNDER 37 CFR 1.132

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I, Harald Feuerherm, hereby declare as follows:

1. I am a co-applicant for the above-referenced pending United States patent application ("the pending application").
2. I am the sole inventor of claims 1, 6, 9, 10 and 19 of the pending application. My co-applicant Günther Kappen did not contribute to these claims.
3. I conceived or invented the subject matter disclosed but not claimed in U.S. Patent No. 6,354,828 and relied on by the Examiner in rejecting claims 1, 6, 9, 10 and 19 of the present application under 35 U.S.C. § 102(e). Accordingly, the subject



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matter from U.S. Patent No. 6,354,828 relied on by the Examiner is not an invention "by another."

4. I conceived or invented the subject matter disclosed but not claimed in U.S. Patent No. 6,024,557 and relied on by the Examiner in rejecting claim 1 of the present application under 35 U.S.C. § 102(e). Accordingly, the subject matter from U.S. Patent No. 6,024,557 relied on by the Examiner is not an invention "by another."

5. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereto.

Dated: June 25, 2004


Harold Feuerherm